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IAP6 Rec'd PCT/PTO 21 SEP 2006 PATENT  
10191/3445

3747  
#9

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Eberhard Klein et al.  
Serial No. : 10/502,430  
Filing Date : July 22, 2004  
For : METHOD AND DEVICE AS WELL AS COMPUTER  
PROGRAM FOR CONTROLLING AN INTERNAL  
COMBUSTION ENGINE  
Examiner : to be assigned  
Art Unit : to be assigned  
Confirmation No. : 8129  
Mail Stop: **Petition**  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA. 22313-1450

RECEIVED  
10 JAN 2007  
Legal Staff  
International Division

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

SIR:

Applicants hereby petition to have the Notice of Abandonment, dated August 21, 2006, for the above-identified patent application withdrawn. The following facts are pertinent:

Applicants received a Notification of Missing Requirements mailed November 16, 2004, for the above application. In response to the Notification of Missing Requirements, applicant forwarded via Express Mail on January 5, 2005, a Submission of Declaration and Power of Attorney.

On March 21, 2005, applicants received a Notification of Defective Response for the above application. In response to the Notification of Defective Response, applicants forwarded via Express Mail on April 21, 2005, a Response to Notification of Defective Response.

Copies of the Response to Notification of Defective Response, the English language translation of the text of Figure 4, and the postcard bearing the PTO acknowledgment stamp date of April 21, 2005, are enclosed.

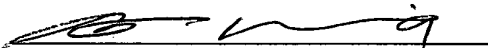
It is therefore respectfully submitted that the Response to Notification of Defective Response sent via Express Mail on April 21, 2005, was timely filed, that the applicants responded timely to the Notification of Missing Requirements, and that the Notice of Abandonment was issued as a result of a Patent Office error. It is therefore respectfully requested that this abandonment be withdrawn.

As this petition was necessitated by Patent Office error, no fee is believed to be required. However, if any fee is required, the Commissioner is authorized to charge **Deposit Account of Kenyon & Kenyon LLP, Deposit Account No. 11-0600**. A copy of this petition is enclosed for that purpose.

Date

9/21/06

Respectfully submitted,  
KENYON & KENYON LLP



Gerard A. Messina, Reg. No. 35,952  
One Broadway  
New York, New York 10004  
Telephone: (212) 425-7200  
Facsimile: (212) 425-5288  
**\*26646\***

**EXPRESS MAIL NO. EV 839 763 439 US**



PATENT  
10191/3445

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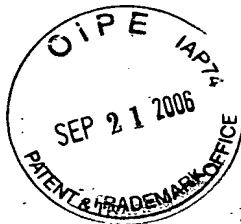
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Gerard A. Messina, Reg. No. 35,952  
One Broadway  
New York, New York 10004  
Telephone: (212) 425-7200  
Facsimile: (212) 425-5288  
**\*26646\***

**EXPRESS MAIL NO. EV 839 763 439 US**



EV 33138 38645

JC10 Rec'd PCT/PTO 21 APR 2005

Case No. 19,134,45

Atty. *garn*

Ser. No. 10502430

Due Date 4/21/05

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of: *Response to notification of Defective Response*

☐ Application

☐ Extension Request

☐ Amendment

☐ Priority Document

☐ Assignment

☐ Issue Fee

☐ Notice of Appeal

☐ Declaration

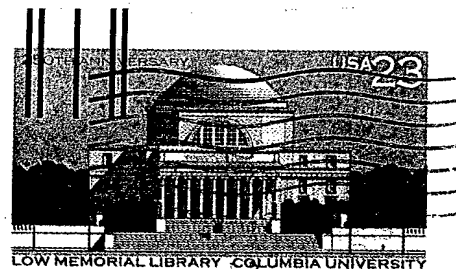
☐ Prior Art Statement

☐ Small Entity

☐ Appeal Brief

☒ *Dep acct #110600*

*Copy of notification of a Defective Response  
English language translation of The text of Figure 4*



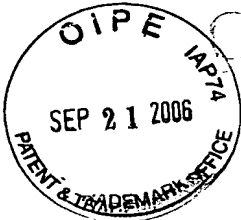
**Kenyon & Kenyon**

One Broadway

New York, N.Y. 10004

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Case No. 101913445 Atty. Gen.  
Ser. No. 101502430 Due Date 4/21/05

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of:

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| <input type="checkbox"/> Application         | <input type="checkbox"/> Extension Request           |
| <input type="checkbox"/> Amendment           | <input type="checkbox"/> Priority Document           |
| <input type="checkbox"/> Assignment          | <input type="checkbox"/> Issue Fee                   |
| <input type="checkbox"/> Notice of Appeal    | <input type="checkbox"/> Declaration                 |
| <input type="checkbox"/> Prior Art Statement | <input type="checkbox"/> Small Entity                |
| <input type="checkbox"/> Appeal Brief        | <input checked="" type="checkbox"/> Dep. acct #11000 |

Copy of notification of a Defective Response  
English language translation of The Text of Figure 4

EV331383864US